

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE EVAN SWINSON,

Defendant.

No. 18-30056-DRH

ORDER FOR PRESENTENCE PROCEDURE

HERNDON, District Judge:

This matter comes before the Court for case management. Strict compliance with Federal Rule of Criminal Procedure 32 and Southern District of Illinois Local Rule Cr 32.1 shall be enforced. A party wishing to object to a presentence report must have such objections filed with the Clerk of the Court no later than 14 days after receiving the presentence report. At the same time, any objections to proposed or omitted discretionary standard or special conditions of supervised release shall be filed with the Clerk of the Court.¹ For counsel, receiving is interpreted to mean when the presentence report is docketed in the court file via CM/ECF. Responses to objections must be filed no later than 7 days after receipt of said objections. Parties, however, are encouraged to consult with the probation officer who authored the presentence report prior to filing objections in an effort to obtain agreement to revise the report without necessity of

¹ The Probation Officer will not respond to objections to conditions of supervision in the Addendum. Objections to such conditions will be addressed directly by the Court at sentencing.

formal objections. Such informal discussions are not sufficient cause to exceed the deadlines without leave of Court for an extension of time, which likely will impact the sentencing date. Any unresolved objections which are subject to a formal objection shall cause the probation officer to prepare an addendum addressing each objection.

Any party wishing to file a sentencing memorandum relative to the issues to be considered at sentencing shall file such pleading no later than 14 days before sentencing with any response 7 days thereafter. Likewise, should either party intend to present testimony at the sentencing hearing, notice of the proposed witnesses, the subject of said testimony, and projected length of the testimony shall be filed with the Court no later than 7 days prior to the sentencing hearing, with service on opposing counsel. Generally, the Court schedules sentencing hearings for an hour and this information will allow the Court the opportunity to change its schedule if necessary.

If a party is unable to comply with this schedule, a continuance of the sentencing date should be sought.

IT IS SO ORDERED.

David Herndon



Judge Herndon

2018.08.20

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United States District Judge